

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF LEROY ) APPEAL NO. 07-A-2646  
DRUFFEL from the decision of the Board of ) FINAL DECISION  
Equalization of Valley County for tax year 2007. ) AND ORDER

**RESIDENTIAL PROPERTY APPEAL**

THIS MATTER was conducted "On the Record" - in writing. Board Members Lyle R. Cobbs, Linda S. Pike and David E. Kinghorn participated in this decision. Appellant Leroy Druffel submitted information for consideration. Respondent Valley County also submitted information for consideration. This appeal is taken from a decision of the Valley County Board of Equalization (BOE) denying the protest of the valuation for taxing purposes of property described as Parcel No. RPM02620040060A.

**The issue on appeal is the market value of residential property.**

**The decision of the Valley County Board of Equalization is affirmed.**

FINDINGS OF FACT

The assessed land value is \$102,260, and the improvements' valuation is \$255,870, totaling \$358,130. Appellant requests the land value be reduced to \$100,000, and the improvements' value be reduced to \$175,000, totaling \$275,000.

The subject property is 0.275 acres with improvements. It is located in McCall, Idaho.

Appellant asserted that the property assessment for tax year 2007 was flawed because the improvement on subject was incorrectly described and subject was overvalued for the location. Taxpayer stated that a shed valued at \$490 appeared on the assessment, however the building was demolished and removed. The County record indicates subject residence has three bedrooms, a fireplace, a formal dining room, and central heat. Subject residence actually has only two bedrooms, no fireplace, formal dining room or central heat. The home is heated

with electric wall heaters located in each room and a propane stove. Additionally, Appellant wrote that the living area is described as over 2,000 square feet, with a 1,472 square feet main level and an upper level with 580 square feet. Appellant asserted that the living area is actually 1,500 square feet, all located on the first floor, with an open 500 square foot loft used for storage and overflow sleeping. Finally, Taxpayer wrote the County record listed a garage, and there is no garage located on the property.

Appellant asserted that because subject is located in an older part of McCall rather than a “premium” location, it is overvalued. Taxpayer referenced a neighboring residential property that was listed for sale at the end of 2006 for \$265,000, and received offers at that price.

Appellant asserted that the assessed value of subject improvements is overstated by at least \$100,000 and \$2,260 for the lot.

The Assessor presented three sales to support the assessed value of subject. The sold properties had finished residential area which ranged from 1,002 to 1,624 square feet and the sale prices ranged from \$299,000 to \$355,000.

The Assessor stated that the original residence located on subject property was demolished in 1999. The new residence was built, but not discovered by the Assessor until the County appraiser fielded the area for the 2002 reappraisal. Neither a copy of a demolition permit or a building permit for the new residence was received by the Assessor’s office.

The Assessor wrote the information in the Assessor’s record is estimated. It was explained that when the residence was discovered, the owner did not wish to share any information regarding the new residence.

Taxpayer asserted that the shed valued at \$490 had been removed, The Assessor did not know the shed was demolished not having received a demolition permit. In reference to the

type and number of rooms included in the residence, the Assessor explained the residence is valued by square footage rather than by the number of rooms. It does not matter how many bedrooms there are, or whether or not there is a formal dining room, as long as the square footage is correct. For total square footage the Assessor's property record indicated 2,052 square feet with 1,472 on the main level and 580 on the upper level. Further, the record did not indicate a fireplace, but rather a wood stove and baseboard heat. Finally, the County wrote that the record listed a 12 x 13 multi purpose shed located on the property, in addition to the one demolished, not a garage as Appellant contended.

The Assessor advised Appellant to set up an appointment to have the Assessor conduct an on site inspection of subject so the information in the record could be accurate for tax year 2008.

### CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Idaho is a market value state for property tax purposes. Idaho Code § 63-201(10) provides the requisite definition:

"Market value" means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing sell, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

Property not expressly exempt is valued at its current market value as of January 1 in the given tax year. Recent, proximate sales of comparable property are considered good evidence

of value.

The briefs before the Board relay some confusion concerning the characteristics of the subject improvements. The basic characteristics of a property must be correct before a meaningful comparison can be made with sale properties.

Appellants maintain the room count and square footage is incorrect. No drawing or blueprint was submitted to support an inaccuracy. Appellants maintained that based on current “listed” properties, subject is over assessed. No comparison of sold properties was made to support the value reduction of subject.

The Assessor presented a scaled drawing of subject residence along with a photograph. The characteristics were compared to three sales, the scaled drawings and characteristics of which were submitted into the record for comparison to the subject. A comparison of the assessed values of the sale properties to the sale prices resulted in a ratio of 90% of market value, within the market value range required by Idaho statutes.

The assessor noted an on site inspection of subject may clarify any questions of erroneous characteristics.

**Idaho Code § 63-511. Appeals from county board of equalization –**

(4) In any appeal taken to the board of tax appeals or the district court pursuant to this section, the burden of proof shall fall upon the party seeking affirmative relief to establish that the valuation from which the appeal is taken is erroneous, or that the board of equalization erred in its decision regarding a claim that certain property is exempt from taxation, the value thereof, or any other relief sought before the board of equalization. A preponderance of evidence shall suffice to sustain the burden of proof. The burden of proof shall fall upon the party seeking affirmative relief and the burden of going forward with the evidence shall shift as in other civil litigation . . .

In this case we find Appellants have not supported that a reduction in the assessed value is warranted. Therefore, the decision of the Valley County Board of Equalization is affirmed.

## FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Valley County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

DATED MARCH 20, 2008